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STATE CAPITOL
Phoenix, Arizona 85007

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Lee Wright

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March 14, 1978
ARIZONA ATTORNEY GENERAL

The Honorable Lillian Jordan
State Representative
Arizona House of Representatives
Phoenix, Arizona 85007

Re: 78-50 (R77-157)

Dear Representative Jordan:

You have requested an opinion as to whether or not the Arizona Real Estate Commissioner has authority to require that the rescission notice to lot buyers required by A.R.S. § 32-2195.04 be in specific form, size of type, style of type, or particular location on the face of the purchase agreement. It is clear that the Arizona Real Estate Commissioner does have such authority. A.R.S. § 32-2195.04(D) provides, in part, as follows:

The owner or agent shall clearly and conspicuously disclose, in accordance with the regulations adopted by the commissioner, the right to rescind provided for in this section.
. . . (Emphasis added.)

It is thus apparent that the Real Estate Commissioner is charged with the obligation and given the authority to make rules relating to the display of the rescission right. Obviously, the Commissioner's authority includes the power to specify the size of type to be used, the location of the rescission notice within the document, the form of the rescission, and all other matters pertaining to the rescission disclosure.

Very truly yours,

John A. Lasota, Jr.
JOHN A. LASOTA, JR.
Acting Attorney General

JAL:kd